

12735. Adulteration and misbranding of apple jelly. U. S. v. 25 Pails, et al., of Apple Jelly. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17564, 17566, 17567. I. S. Nos. 6237-v, 6238-v, 6243-v, 6244-v. S. Nos. C-4051, C-4052, C-4053.)

On June 25, 1923, and on or about July 18, 1923, respectively, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,300 pails of apple jelly, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Best Clymer Mfg. Co., from St. Louis, Mo., in part on or about January 18, 1923, and in part on or about April 28, 1923, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled variously in part: (Pail) "Clymer's Jelly Pure-Apple;" "Wagner's Special Brand Corn Syrup Apple Jelly;" "The Triumph Brand Corn Syrup Apple Jelly."

Adulteration of the article was alleged in the libels for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that acidified pectin jelly had been substituted wholly or in part for the said article. It was further alleged with respect to the Wagner's Special and Triumph brands of the article that it was artificially colored.

Misbranding was alleged for the reason that the statements on the respective labels, "Jelly Pure-Apple" or "Apple Jelly," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 16 and 18, 1923, respectively, Charles P. Wagner & Bro. and J. S. Waterman & Co., Inc., both of New Orleans, La., having appeared as claimants for respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,700, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12736. Adulteration of oranges. U. S. v. 83 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18544. I. S. No. 3239-v. S. No. E-4797.)

On April 8, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 boxes of oranges remaining in the original unbroken packages at Raleigh, N. C., consigned by the Leesburg Citrus Growers Assoc., Leesburg, Fla., alleging that the article had been shipped from Leesburg, Fla., and transported from the State of Florida into the State of North Carolina, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that an inedible product had been substituted wholly or in part for the said article.

On June 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12737. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19074. I. S. No. 14010-v. S. No. E-4971.)

On September 29, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Jaques Havens Co., Crawfordsville, Ind., on or about September 19, 1924, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.